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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Alstyne, et al. : DECISION ON PETITION
Application No. 09/489,850 :
Filed: January 24, 2000 :
For: 51916/107 :

The above-identified application has been forwarded to the Office of Petitions for consideration of the communication submitted September 29, 2008 styled "PETITION FOR WITHDRAWAL HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.137(b)." This matter is being treated as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee due).

The petition is DISMISSED WITHOUT PREJUDICE.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not signed in accordance with 37 CFR 1.33(b)(4) in that it is not signed by each inventor named in the application. Accordingly, the petition and request to change the correspondence address have not been reviewed on the merits.

Any renewed petition and accompanying documents must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits.

Petitioners' request for change of correspondence address has not been entered into the record because it is not properly signed. Petitioners are advised that, while the instant communication is being dually mailed, all future correspondence will continue to be addressed to the address of record until such time as proper instruction to the contrary is received.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450


By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
 Attn: Office of Petitions

The request for change of correspondence address has not been entered into the record as it is not properly executed in accordance with 37 CFR 1.33(b). A change of address should be promptly filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-

32057


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